

The 28th September, 1994

No. 14/13/87-6Lab./596.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Ambala in respect of the dispute between the workman and the management of M/s Waste Wood Products Village Jeetpur (Ambala). Jagwal.

IN THE COURT OF SHRI S. R. BANSAL (ADDITIONAL DISTRICT & SESSIONS JUDGE)
PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 77 of 1993

WORKMAN SHRI KRISHAN BAHADUR C/O SHRI RAM DASS GUPTA,
BHARTAYA MAZDOOR SANGH 69, ALEXANDER ROAD, AMBALA CANTT

and

THE MANAGEMENT OF THE MESSRS WASTE WOOD PRODUCTS VILLAGE
JEETPUR (BARWALA) DISTT. AMBALA

Present :

None for the parties.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (for short called as 'the Act'), the Governor of Haryana referred the following dispute between the workman Shri Krishan Bahadur and the management M/s Waste Wood Products village Jeetpur (Barwala), District Ambala to this court for adjudication,—*vide* Haryana Government notifications bearing No. 14000—04, dated the 2nd April, 1993:—

Whether the termination of the services of Shri Krishan Bahadur is valid and justified ? If not to what relief is he entitled ?

Workman pleaded in his demand notice that he joined the service of the management as Helper on 17th September, 1991 and his services were terminated without any notice or payment of retrenchment compensation on 17th September, 1992. The conciliation proceedings were taken up by the Labour Officer-cum-Conciliation Officer. The same having failed, the appropriate Government made the above mentioned reference to this court :

On receipt of the reference notices were issued to the workman as well as to the management. Workman did not appear despite notice till 19th July, 1994. Accordingly *ex parte* proceedings were taken up against the workman.

The management appeared and filed the written statement in which it was pleaded that the workman worked with the management for a period of about two months and left the job on the expiry of specified period after taking his dues. Management was called upon to lead *ex parte* evidence. Today when the case was fixed for *ex parte* evidence of the management. None appeared on behalf of the management nor *ex parte* evidence was produced.

Since there is no evidence on the file to substantiate the allegations of the workman made in the demand notice, this reference is bound to be answered against him. The same stand answered against the workman.

S. R. BANSAL,

The 2nd August, 1994

Addl. Distt. & Sessions Judge,
Presiding Officer, Labour Court,
Ambala.

Endorsement No. 1352, dated, Ambala City, the 11th August, 1994.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

S. R. BANSAL,

Additional District and Sessions Judge,
Presiding Officer, Labour Court,
Ambala.

No. 14/13/87-6 Lab./598.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Ambala in respect of the dispute between the workman and the management of M/s T. C. Haryana, Chandigarh *versus* Gurmail Singh.

IN THE COURT OF SHRI S. R. BANSAL, (ADDL. DISTT. & SESSIONS JUDGE),
PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 292 of 1988

WORKMAN—GURMAIL SINGH, S/O SHRI BACHAN SINGH, VILLAGE AND POST OFFICE KHANPUR, TEHSIL AND DISTRICT AMBALA

and

THE MANAGEMENT OF THE TRANSPORT COMMISSIONER, HARYANA,
CHANDIGARH, (II) GENERAL MANAGER, HARYANA ROADWAYS, YAMUNA NAGAR

Present :

W.R. Shri Inder Mohan.

M.R. Shri Mohan Lal, ADA.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (for short called as the 'Act'), the Governor of Haryana referred the following dispute, between the workman Shri Gurmail Singh and the management The Transport Commissioner, Haryana, Chandigarh, (ii) The General Manager, Haryana Roadways, Yamuna Nagar to this court for adjudication, *—vidi* Haryana Government notification bearing No. 28882—87, dated the 9th June, 1987 :—

Whether the termination/retrenchment of the services of Shri Gurmail Singh, is valid and justified ? If not so, to what relief is he entitled ?

On receipt of the reference, notices were issued to the workman as well as to the management. Workman appeared and filed the claim statement stating therein that he joined the services of the management as Helper on daily wages on 9th January, 1987 and that his services were terminated on 10th July, 1987. It is alleged that the principle of last come first go was not observed and that his juniors were retained in service. It was also alleged that many other were appointed as Helper on daily wages after 10th July, 1987. Workman therefore demanded for reinstatement with continuity of service and full back period wages.

The management in the written statement filed pleaded that the workman was appointed as Helper on daily wages for a specific period from 1st January, 1987 to 31st January, 1987 and thereafter the terms of employment was extended/renewed from time to time by way of issuing fresh orders with the condition that his services were liable to be terminated at any time without any reason or notice and his employment was not renewed after 30th June, 1987. The workman therefore rendered less than 240 days. The other allegations were denied.

The workman filed replication contesting the allegations of the management in the written statement filed and reiterated those made in the claim statement. On the rival contentions of the parties, following issues were framed for decision :—

(1) Whether the impugned termination of services of the workman is invalid ? OPW

(2) Whether the c/s is not maintainable ? OPM

(3) Whether the workman has no *locus standi* ? OPM

(4) Relief.

The workman appeared as WW land closed evidence. The management produced MW-1 Shri Rulia Ram, Clerk who produced Ex-M-1, copy of the appointment letter of the workman as Helper for the period from 1st January, 1987 to 31st January, 1987. He stated that the employment of the workman was not renewed after 30th June, 1987.

I have heard the learned representatives of the parties. My issue-wise findings are as under :—

Issue No. 1 :

Admittedly, the workman has rendered less than 240 days of service in a period of preceding 12 months of his termination. His only claim is that juniors were retained in service and fresh persons recruited after his termination. Workman has admitted during the cross-examination that he was not recruited through employment exchange. He could not say that persons juniors to him who were retained in service were recruited through employment exchange or that fresh recruitment was made through employment exchange. MW-1, Shri Rulia Ram, Clerk has clarified these points. In such a situation section 25 (F) and (G) are not attracted. The workman having rendered less than 240 days of service is not entitled to reinstatement with continuity of service and back period wages. The finding on this issue is therefore returned in favour of the management and against the workman.

Issues No. 2 and 3 :

The onus to all the issues proved on the management. The management has not argued these issues. As such, the findings on these issues, are therefore, returned in favour of the workman and against the management.

Relief :

In the end, it is held that the workman is not entitled to any relief.

The reference shall stand answered accordingly.

S. R. BANSAL,

The 9th August, 1994.

Additional District and Sessions Judge,
Presiding Officer, Labour Court,
Ambala.

Endorsement No. 1360, dated Ambala City, the 11th August, 1994.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

S. R. BANSAL,

Additional District and Sessions Judge,
Presiding Officer, Labour Court,
Ambala.

No. 14/13/87-6Lab./597—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Ambala in respect of the dispute between the workman and the management of M/s Executive Engineer, Satluz Yamuna Link Ambala City, Versus Jai Pal

IN THE COURT OF SHRI S.R. BANSAL (ADDITIONAL DISTRICT AND SESSIONS JUDGE).
PRESIDING OFFICER, LABOUR COURT, AMBALA

Ref. No. 125 of 1989

WORKMAN-JAIPAL, S/O SHRI JEET RAM VILLAGE AND P.O. NAGGAL TEHSIL AND DISTRICT AMBALA AND THE MANAGEMENT OF THE EXECUTIVE ENGINEER, SATLUZ YAMUNA LINK, DIVISION NO. 2, MODEL TOWN, AMBALA CITY.

Present :

W.R. Shri J. R. Sharma.

M.R. Shri Subhash Chand, ADA.

AWARD

In exercise of the powers conferred by clause (C) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (for short called as the 'Act'), the Governor of Haryana referred the following dispute between the workman Shri Jai Pal and the management of the Executive Engineer, Satluz Yamuna Link, Division No. 2, Model Town, Ambala City to this court for adjudication,—*vide* Haryana Govt. notification bearing No. 8076—80, dated 24th February, 1989 :—

"Whether Services of Shri Jai Pal were terminated or he relinquished the lien by absence ? If not so, to what relief is he entitled ?"

The workman served a demand notice dated 14th January, 1989 under section 2 (A) of the Act upon the management. The Conciliation proceedings were taken up by the Labour Officer-cum-Conciliation Officer. The same having failed, the appropriate Government made the above mentioned reference to this court.

On receipt of the reference, notices were issued to the workman as well as to the management. The workman appeared and filed his claim statement stating therein that he joined the management as T. Mate in the year 1977 and was reverted from the post of Beldar in the year 1984 and his services were terminated on 10th December, 1988 without any prior notice or retrenchment compensation although he rendered more than 240 days of service in 12 months.

The stand of the management is that the workman had never completed 240 days of service continuously in a calendar year and that his claim is false. The claimant is also estopped from filing the claim petition nor this court has got jurisdiction to try the same.

The workman filed the replication controverting the allegations of the management. On the pleadings of the parties, following issues were framed for decision :—

- (1) Whether the services of the workman were terminated or he relinquished the lien by absence ? OPP
- (2) Whether the reference is not maintainable for the reasons stated in preliminary objection of the W.S. ? OPM
- (3) Whether the applicant has no *locus standi* to file the application ? OPM
- (4) Whether the court has no jurisdiction ? OPM
- (5) Relief.

Workman appeared as WW-1 and supported all the allegations made by him in the claim statement. In rebuttal the management examined as MW-1, Shri S.S. Bhatia, SDE who stated that the workman joined the management on daily rated basis w.e.f. 1st June, 1986 and he was no longer required after 10th December, 1988. He also stated that the workman was engaged for a short internal and never completed 240 days of service.

I have heard the learned representatives of the parties. My issue-wise findings are as under :—

Issue No. 1 :

The statement of the workman that he joined the service of the management as T. Mate in the year 1977 and was reverted to the post of Beldar in the year 1984 and his services were terminated on 10th December, 1988 and has gone unrebuted. The stand of the management that the workman joined the service on 1st June, 1984 is totally un-substantiated on the file. The management has failed to produce the relevant record in the shape of attendance register/muster rolls. The witness produced by the management himself has admitted that he is unable to depose regarding the number of days for which the workman rendered the service during the year 1985- to 1988. He also admitted that he had not brought the relevant record. It is not a case of the management that any charge-sheet was served upon the workman or that any prior notice was given to him or retrenchment compensation was ever paid. Under these circumstances the termination of the workman is patently illegal and against the mandatory provisions of section 25 (F) of the Act. Although the workman has stated that he remained un-employed but the fact remains that the termination of the workman took place more than six years ago and it cannot be believed that he has not earned his livelihood by managing himself in some other avocation during the relevant period. He is, therefore, held entitled to 50% of back period wages. I order accordingly. The finding on this issue is, therefore, returned in favour of the workman and against the management in this manner.

Issues No. 2, 3 and 4 :

The onus to all the issues proved on the management. The management has however produced no evidence on the file to show that as to how the claim petition is not maintainable or claimant has no *locus standi* to file the claim. Similarly it has failed to show as to how the Labour Court has no jurisdiction to try the claim. These issues were not argued. As such, the findings on these issues are, therefore, returned in favour of the workman and against the management.

Relief :

In the end, the workman is held entitled to reinstatement with continuity of service an back period wages to the extent of 50%.

The referee shall stand answered accordingly.

S. R. BANSAL,

The 3rd August, 1994.

Additional District & Sessions Judge,
Presiding Officer, Labour Court,
Ambala.

Endst. No. 1359, dated the 11st August, 1994

Forwarded (four copies) to the Financial Commissioner & Secretary to Government, Haryana Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

S. R. BANSAL,

Additional District & Sessions Judge,
Presiding Officer, Labour Court,
Ambala.

No. 14/13/87-6 Lab./599—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Ambala in respect of the dispute between the workman and the management of Director, Animal Husbandry, Haryana Chandigarh versus Jaspal Singh.

IN THE COURT OF SHRI S. R. BANSAL (ADDL. DISTT. & SESSIONS JUDGE), PRESIDING, OFFICER, LABOUR COURT, AMBALA

Ref. No. 333 of 1989

WORKMAN JASPAL SINGH S/O SHRI GOBIND RAM, VILLAGE RATTANGARH, TEH. & DISTT. AMBALA AND THE MANAGEMENT OF THE DIRECTOR, ANIMAL HUSBANDRY, HARYANA, CHANDIGARH; (i) INCHARGE VETERINARY, CHECK POST BRIDGE BARRIER, YAMUNA NAGAR.

Present :—

W.R. Shri Jasbir Singh.

M.R. Shri Subhash Chand.

AWARD

In exercise of the powers conferred by clause (C) of sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (for short called as the 'Act'), the Governor of Haryana referred the following dispute between the workman Shri Jaspal Singh and the management (i) The Director, Animal Husbandry, Haryana, Chandigarh; (ii) Incharge Veterinary, Check Post Bridge Barrier, Yamuna Nagar to this court for adjudication,—*vide* Haryana Govt notification bearing No. 39085—90, dated 11th September, 1989 :—

"Whether the termination of services of Shri Jaspal Singh is valid & justified ? If not, so, to what relief is he entitled ? "

The workman served a demand notice dated 6th July, 1989 under section 2-A of the Act upon the management alleging there in that the termination of his services is illegal and against the mandatory provisions

of section 25 (F) (H) of the Act. He, therefore, demanded for his reinstatement with continuity of service and back period wages. The Conciliation proceedings were taken up by the Labour Officer-cum-Conciliation Officer. The same having failed, the appropriate Government made the above-mentioned reference to this Court.

On receipt of reference notices were issued to the workman as well as to the management. The workman appeared and filed his claim statement, stating therein that he was appointed as Helper on daily wages w.e.f. 8th October, 1985 and his services were terminated on 31st July, 1986 without any notice or retrenchment compensation or any pay in lieu of the notice. He, therefore, demanded for his reinstatement with continuity of service and back period wages.

Management in the written statement filed admitted the date of appointment of the workman and pleaded that he worked with the management up to 30 June, 1986.

Workman filed replication controverting the allegations of the management. On the pleadings of the parties, following issues were framed by Shri S. D. Anand my learned predecessor on 31st August, 1990 :—

- (1) Whether impugned termination of services of workman is invalid ? OPW
- (2) Whether the claimant has no *locus standi* to file the suit ? OPM
- (3) Whether the Labour Court has no jurisdiction to try the case ? OPM
- (4) Whether the claim petition is not maintainable ? OPM
- (5) Whether the claimant is estopped ? OPM
- (6) Relief.

The parties led evidence.

I have heard the representatives of the parties. My findings on the issues are as under :

Issue No. 1 :

The workman himself appeared as MW-1 and supported all the allegations made by him in the claim statement. He also produced WW-2 who proved certificate Ex.-WW-2/A showing that the workman was employed with the management from 8th October, 1985 to 31st July, 1986 as daily rated worker. The management produced MW-1 Dr. Raj Kumar, Veterinary Surgeon who also admitted the facts that the workman was employed with the management from 8th October, 1985 to 31st July, 1986. He also admitted during the cross-examination that no prior notice was given to the workman nor any retrenchment compensation. It is, thus, proved on the file that the workman has rendered more than 240 days of continuous service in a period preceding 12 months of his termination. It is also proved on the file that no charge-sheet notice or pay in lieu of notice or for that matter retrenchment compensation was paid to the workman. Under these circumstances the termination of the workman is illegal and against the mandatory provisions of the Act. The statement of the workman on oath shows that he remained un-employed during the relevant period. He is, therefore, held entitled to reinstatement with continuity of service and back period wages. The finding on this issue is therefore, returned in favour of the workman and against the management.

Issues No. 2, 3, 4 & 5 :

The onus to all the issues proved on the management. The management has however produced no evidence on the file to show that as to how the claim petition is not maintainable or claimant has no *locus standi* to file claim. Similarly it has failed to show as to how the claimant is estopped from raising his claim or as to how the Labour Court has no jurisdiction to try the claim. These issues were not argued. As such the findings on these issues are, therefore, returned in favour of the workman and against the management.

Relief :

In the end, the workman is held entitled to reinstatement with continuity of service and full back wages.

The reference shall stand answered accordingly.

S. R. BANSAL,

The 2nd August, 1994.

Additional District and Sessions Judge,
Presiding Officer, Labour Court,
Ambala.

Endst. No. 1356, dated the 11th August, 1994

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

S. R. BANSAL,

Addl. Distt. & Sessions Judge,
Presiding Officer, Labour Court,
Ambala.

No. 14/13/87-6 Lab./601.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Ambala, in respect of the dispute between the workman and the management of T. C., Haryana, Chandigarh *versus* Raghbir Singh.

IN THE COURT OF SHRI S.R. BANSAL, (ADDL. DISTRICT AND SESSIONS JUDGE), PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 153 of 1988

between

WORKMAN RAGHBIR SINGH, CLERK, SON OF SHRI TELU RAM, VILLAGE AND P.O. MATHANA,
TEHSIL THANESAR, LTD., KURUKSHETRA

and

THE MANAGEMENT (I) TRANSPORT COMMISSIONER, HARYANA, CHANDIGARH,
(II) GENERAL MANAGER, HARYANA ROADWAYS, AMBALA

Present:

WR. Shri J. R. Sharma.

M. R. Shri Balinder Singh, ADA.

AWARD

In exercise of the powers conferred by clause (C) of sub-section 1 of section 10 of the Industrial Disputes Act, 1947 (for short called as the 'Act'), the Governor of Haryana, referred the following dispute between the workman Shri Raghbir Singh and the management (i) Transport Commissioner, Haryana, Chandigarh, (ii) General Manager, Haryana Roadways, Ambala to this court for adjudication, *vide* Haryana Government notification bearing No. 14610-15, dated 8th April, 1988:—

Whether the termination of services of Shri Raghbir Singh is valid and justified ? If not so, to what relief is he entitled ?

The workman served a demand notice, dated 21st December, 1987 under section 2-A of the Act upon the management alleging therein that the termination of his services is illegal and against the mandatory provisions of section 25(H) of the Act. He, therefore, demanded for his reinstatement with continuity of service and back period wages. The conciliation proceedings were taken up by the Labour Officer-cum-Conciliation Officer. The same having failed, the appropriate Government made the above mentioned reference to this court.

On receipt of the reference, notices were issued to the workman as well as to the management. The workman appeared and filed his claim statement. Management filed the written statement to the claim statement alleging therein that the termination is perfectly legal and done in accordance with the legal provisions contained in section 25(F) of the Act.

The workman filed replication controverting the allegations of the management. On the rival contentions of the parties, following issues were laid down for decision:—

1. Whether the impugned termination of services of the workman was invalid ? OPW.
2. Relief.

The parties led evidence.

I have heard the representatives of the parties. My findings on the issues are as under:—

Issue No. 1:

Workman Raghbir Singh appeared as WW-1 and supported the allegations made by him and thereafter closed his case after his evidence. In rebuttal the management produced MW-1, Shri Gian Chand, Clerk, Haryana Roadways, Ambala who proved retrenchment notice Ex. M-1, receipt of the workman Ex. M-2 and receipt of the payment of compensation and one month's salary Ex. M-3 and closed their evidence. The perusal of Ex. M-1 shows that the services of the workman were retrenched being no longer required and he was ordered to be paid one month salary in lieu of one month's notice plus compensation of 45 days salary under section 25(F) of the Act amounting to Rs. 575 and Rs. 812-50 paise respectively,—vide bank drafts. Ex. M-2 copy of notice shows that the workman refused to accept the retrenchment notice. Ex. M-3 shows that the workman received his one month's salary and retrenchment compensation on 18th February, 1988. MW-1 has categorically denied that the management has not appointed any Clerk on daily wages after the retrenchment of the workman. The workman has not disclosed the names of the juniors who were allegedly to have been retained by the management. He has filed an application for additional evidence to show that the vacancies were existing at the time of retrenchment of the services of the workman. The allegation made in this application are beyond the scope of pleadings and as such, workman cannot be allowed to lead evidence by way of additional evidence. As the services of workman were terminated in accordance with the provisions of law contained under section 25(F) of the Act and the termination is thus held to be legal and valid. The findings on this issue is, therefore, returned against the workman and in favour of the management.

Relief:

In the end, workman is held not entitled to any relief.

The reference shall stand answered accordingly.

S. R. BANSAL,

The 28th July, 1994.

Additional District and Sessions Judge,
Presiding Officer, Labour Court,
Ambala.

Endst. No. 1352, dated the 11th August, 1994.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

S. R. BANSAL,

Additional District and Sessions Judge,
Presiding Officer, Labour Court,
Ambala.

No. 14/13/87-6 Lab./613.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s H. A. U., Bawal *versus* Sube Singh.

**IN THE COURT OF MRS. ANITA CHAUDHARY, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, GURGAON**

Reference No. 126 of 1990

between

**SHRI SUBB SINGH, S/O SHRI GOBIND RAM, C/O SHARDHA NAND, GENERAL
SECRETARY, AITUC OFFICE, 214/4 MARLA, GURGAON**
and

**THE MANAGEMENT OF HARYANA AGRICULTURE UNIVERSITY, BAWAL, TEHSIL
AND DISTRICT REWARI.**

Present:

Shri Shardha Nand for the workman.
Shri M. P. Gupta for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (in short "the Act"), the Governor of Haryana referred the following dispute, between the parties mentioned above, to this court for adjudication,—*vide* Haryana Government, Labour Department Endorsement No. 11044—49, dated 14th March, 1990 :—

Whether termination of services of Shri Sube Singh is legal and just ? If not, to what relief is he entitled ?

2. The facts according to the claim of the petitioner is that he was appointed as Beldar with the respondent namely Haryana Agriculture University, Bawal on 1st June, 1984 on monthly salary of Rs. 800. It was further pleaded that management illegally terminated his services w. e. f. 23rd October, 1989 without assigning any reason.

3. Claim of the petitioner was contested by the management on the plea that the petitioner was engaged on casual basis in the month of June, 1985 and he worked for 82½ days in the year 1985, 150 days in the year 1986 and 194 days in 1987 and did not work at all during the year 1988 and was again engaged on casual basis on 5th July, 1989. He had worked for 86 days in the year 1989. It was pleaded that he was a casual worker and had not worked for 240 days. It was pleaded that thereafter, workman did not turn up for his duty and had also filed a writ petition in the Hon'ble High Court for regularisation of his service, which was pending and the workman was not entitled for any employment as well.

4. On these pleadings, following issue was framed on 21st February, 1992 :—

Whether termination of service of Shri Sube Singh is legal and just ? If not, to what relief is he entitled ?

5. I have gone through the evidence and have heard the authorised representative of the workman and the management. My findings on the issue framed are as under :—

6. The management has examined Shri Kedar Nath, Agriculture Inspector, who brought the muster-rolls pertaining to the year 1980 till 1989. He also proved copies of the muster-rolls pertaining to the workman and deposed that workman had not worked for 240 days and he was a casual worker. He deposed that research work was carried out by the management for which, casual labour was employed, during the sowing and harvesting season, they had no job to give in the intervening period and no appointment letter had been issued, nor any termination order had been passed. They used to obtain signatures of the workman on the muster-rolls when their pay was disbursed. He also added that no wage slip had been prepared.

7. On the other hand, the workman has examined himself as WW1. He deposed that he had worked as Beldar from 1st June, 1984 on monthly salary of Rs 625 but no appointment letter, attendance card or wage slip was given to him during his service and his services were illegally terminated on 7th June, 1989 and he had filed demand notice on 8th June, 1989. He stated that he had approached the management from time to time, but he was not ready to join duty and no retrenchment compensation was given and he had continuously worked from 1st June, 1984 to 7th June, 1989. He admitted in his cross-examination that demand notice Ex. M. 4 had been sent on 25th October, 1989. He stated that he had no dispute with the management regarding attendance or wages. He admitted that he was not appointed on regular basis.

8. In this case, the workman has taken up the plea that he was working continuously from 1st June, 1984 till 7th June, 1989 and his services were illegally terminated. He has also admitted that no appointment letter or wage slip was issued. The management in this case had brought muster-rolls right from 1980 till 1989 and they had placed on record copy of the muster-rolls Ex. M1 which shows the period during which, this workman had worked. According to it, he had worked for the period detailed below :—

Year	Days
1985	82½
1986	150
1987	194
1988	Nil
1989	86

9. A copy of the muster-roll shows that the workman had not worked for 240 days in any of the years, nor the workman has been able to bring any material on the file to show that he had

worked for the period he had alleged. He did not summon any record from the management, nor he could point out from the muster-rolls, (which the management had brought during evidence) to show that he had worked for a particular month. Admittedly, signatures are obtained on the muster-rolls when the pay is disbursed, therefore, if the workman had worked for the period alleged the muster-rolls would have depicted the true picture. A perusal of the detail clearly shows that the petitioner had worked with the management for certain broken period in between and there were long gaps/breaks and the petitioner did not complete continuous service of 240 days in any of the year, what to say in the year preceding the date of his termination. Since the petitioner did not put in 240 day's of service, he is not entitled to any relief under the provisions of the Act and it was not necessary for the management to comply with the provisions contained in section 25 F of the Industrial Disputes Act, 1947. In view of the above discussion, petitioner Sube Singh is not entitled to any relief. Reference is answered and returned accordingly with no order as to costs.

ANITA CHAUDHARY,

Dated the 11th August, 1994.

Presiding Officer,

Industrial Tribunal-cum-Labour Court,
Gurgaon.

Endorsement No. 1283, dated the 30th August, 1994.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh under Section 15 of the I. D. Act, 1947.

ANITA CHAUDHARY,

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Gurgaon.

No. 14/13/87-6Lab./616.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of H. A. U., Bawal *versus* Meer Singh.

IN THE COURT OF MRS. ANITA CHAUDHARY, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GURGAON

Reference No. 304 of 1990

between

SHRI MEER SINGH, S/O SHRI HET RAM C/O SHRI SHARDHA NAND,
GENERAL SECRETARY, AITUC OFFICE, 214/4 MARLA, GURGAON

and

THE MANAGEMENT OF HARYANA AGRICULTURE UNIVERSITY, BAWAL,
DISTT. REWARI.

Present :

Shri Shardha Nand for the workman.

Shri M. P. Gupta for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 (in short "the Act"), the Governor of Haryana, referred the following dispute, between the parties mentioned above to this court, for adjudication,—*vide* Haryana Government Labour Department Endorsement No. 38096—101, dated 14th September, 1990.—

Whether Shri Meer Singh has left his job on his own accord or his services have been terminated ?
To what relief is he entitled on the decision of this issue ?

2. The facts according to the claim statement are that the petitioner was appointed as Beldar on 1st February, 1983 and his services were illegally terminated on 30th December, 1989 without assigning any reason.

3. The claim of the petitioner is contested by the management, who in its written statement took up the plea that the workman was engaged as casual basis from 12th July, 1986 and he had worked for 24 days only in the month of July and August and he had worked for 102 days in 1983, 16 days in 1984, 2 days in 1985 and he had not worked at all during the year 1987, 1988, 1989 and 1990. It was pleaded that no appointment letter was issued.

4. On these pleadings, following issue was framed on 21st February, 1992 :—

Whether Shri Meer Singh has left his job on his own accord ? or his services have been terminated ? to what relief is he entitled on the decision of this issue ?

5. I have heard the authorised representative of the workman and the management. My finding on the issue framed is as under :—

6. The management has examined Shri S. S. Deshwal, Agriculture Inspector, who brought the muster rolls pertaining to the years 1980 to 1992 and proved copy Ex. M1. He stated that the management was employing casual labour as the job to be given to them was seasonal and their services were required only during the sowing and harvesting season and there was no dispute regarding attendance and wages. He denied that the workman had worked from 1st February, 1983 to 30th December, 1989. He admitted that neither any appointment letter, wage slip or attendance card was given.

7. On the other hand, Meer Singh has stepped in the witness box as WW1. He deposed that he was appointed as Beldar on 1st February, 1983 on monthly salary of Rs. 850/- and his services were illegally terminated on 30th December, 1989 and neither any notice was given, nor retrenchment compensation was paid by the management. However, he has admitted in the cross examination that his attendance was recorded in the muster rolls under the schemes, where, he had worked and he had not made any complaint to the Labour Department.

8. The workman in this case has taken up the plea that he was working continuously from 1st February, 1983 to 30th December, 1989. and his services were illegally terminated. According to his own version neither any appointment letter or wage slip or attendance card was issued. The management on the other hand, had brought muster-rolls from 1980 onwards and they have placed on record copy of muster rolls Ex. M1 which shows the period during which, this workman had worked. According to it, he had worked for the period detailed below :—

Year	Days
1983	102
1984	16
1985	2
1986	24

9. Copy of the muster-roll clearly shows that the workman had not worked for 240 days in any of the years nor the workman has been able to bring any material on the file to show that he had worked for the period he had alleged. The workman used to stay away when there was no work. He did not summon any record from the management, nor could he point out from the muster-rolls that he had worked for a particular period. Admittedly signatures are obtained on the muster-rolls when the pay is disbursed and if the workman had worked for a particular period, the muster-rolls would have depicted the correct position. A perusal of the detail given by the management clearly shows that the petitioner had worked with the management for certain broken period in between and there were long laps/breaks and the petitioner came for work only when he felt like and did not complete continuous services of 240 days in any of the years. Since the petitioner did not put in 240 days of services, he is not entitled to any relief under the provisions of the Act and it was not necessary for the management to comply with the provisions contained in section 25F of the Industrial Disputes Act, 1947. In view of the above discussion, the petitioner Meer Singh is not entitled to any relief and it is held that he had left the service on his own. Reference is answered and returned accordingly with no order as to costs.

The 18th August, 1994.

ANITA CHAUDHARY,

Presiding Officer,

Industrial Tribunal-cum-Labour Court,
Gurgaon.

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Endorsement No. 1286, dated the 30th August, 1994.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, under section 15 of the Industrial Disputes Act, 1947.

ANITA CHAUDHARY,

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Gurgaon.

The 29th September, 1994

No. 14/13/87-6Lab./640.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s Beneficial Engineers and Pvt. Ltd., Gurgaon *versus* Sudershan Kumar :—

IN THE COURT OF MRS. ANITA CHAUDHARY, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GURGAON

Ref. No. 19 of 1990

between

SHRI SUDERSHAN KUMAR, S/O SHRI GOVERDHAN DASS, C/O SHRI SHARDHA NAND, GENERAL SECRETARY, AITUC OFFICE, 214/4, MARLA, GURGAON

and

THE MANAGEMENT OF M/S BENEFICIAL ENGINEERS PVT. LTD., PATAUDI ROAD GURGAON

Present :

Workman in person.

Shri Ved Parkash for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the service matter, between the parties, mentioned above, to this Court, for adjudication,—*vide* Haryana Government, Labour Department endst. No. 5615—20, dated 12th February, 1990.

2. Parties have settled the dispute. Their statements have been recorded separately. In view of the statements made by the parties, reference stands disposed of as fully settled.

ANITA CHAUDHARY,

The 18th August, 1994

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Gurgaon.

Endorsement No. 1299, dated the 30th August, 1994.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chanigarh as required under Section 15 of Industrial Dispute Act, 1947.

ANITA CHAUDHARY,

Presiding Officer,
Industrial Tribunal-cum-Labour Court,
Gurgaon.